

ORDINANCE NO. 2002-28-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 97-51-CM

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED ZONING ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change **PART 2**, ZONE REGULATIONS of the **TABLE OF CONTENTS** by skipping a line after 2-27-14 and adding:

2-28 RE – Rural Estate Zones104

Section 2: Change **1-4-4**, RURAL ZONES, of **CHAPTER 1** GENERAL PROVISIONS, to read:

1-4-4 RURAL ZONES:

A: Agricultural **AW:** Agricultural and Wooded
AA: Select Agricultural **RE:** Rural Estate

Section 3: Change **1-10-2**, WORDS AND TERMS DEFINED, of **1-10**, DEFINITIONS, of **CHAPTER 1**, GENERAL PROVISIONS, by adding definitions of “flag lot,” “non-tillable,” rural estate road,” “rural estate subdivision” and “rural estate zone” to read as follows:

FLAG LOT. A piece of land meeting all definitional requirements for a *lot* or *parcel*, which is situated behind one or more *lots* or *parcels* having *frontage* on a *public* or *private street*. The “flag” portion contains the *primary use building*, meeting *setback* requirements from the designated *front lot line*. The “pole” portion fronts on a *public* or *private street*, is a minimum of 20’ wide and contains the driveway connecting the “flag” to the *street*.

NON-TILLABLE. Covered with brush or scattered trees with less than 50% canopy cover, or permanent pasture land with natural impediments (ditches, water channels , rocks, etc.) that deter use of the land for crop production.

RURAL ESTATE ROAD. A *road* built as part of a *rural estate subdivision* providing access from an existing perimeter *street* to and/or through an RE zone, built to specific minimum standards found in the *Unified Subdivision Ordinance*. This *road* may be designated as either a private *road* to be maintained by a homeowners’ association, or a *public street*, dedicated to the public and accepted for public maintenance.

RURAL ESTATE SUBDIVISION. A unified rural residential *development* zoned RE, *rural estate zone*, or RE and FP. (The FP-zoned portion may include tilled land, and may make up portions of residential *lots*.) **A RURAL ESTATE SUBDIVISION** shall be located more than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier. More than 50% of its acreage is either:

- (1) wooded and untilled,
- (2) ***non-tillable***, or
- (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,

or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. **A RURAL ESTATE SUBDIVISION** has a maximum *density* of no more than 1 *dwelling unit* per 2 acres, and a minimum residential *lot area* of 1 acre, exclusive of any outlot containing drainage *easements* and/or *rural estate roads*, and exclusive of any *public street right-of-way*.

RURAL ESTATE ZONE. A *rural zone* containing part or all of a *rural estate subdivision*, located more than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier. More than 50% of the acreage of the *rural estate subdivision* of which it is a part is either:

- (1) wooded and untilled,
- (2) ***non-tillable***, or
- (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,

or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. **A RURAL ESTATE ZONE** request includes no more than 12 residential *lots*, and shall include no FP-zoned lands; FP-zoned land cannot be rezoned.

Section 4: Change **1-10-2**, WORDS AND TERMS DEFINED, of **1-10**, DEFINITIONS, of **CHAPTER 1**, GENERAL PROVISIONS, by amending the definitions of “home occupation,” “perimeter lot,” “rural home occupation,” “rural zone” and part of “zonal base rate” to read as follows:

HOME OCCUPATION... An *accessory use* to a *dwelling unit*, carried out for gain by one or more residents, conducted as a customary and incidental use to the resident’s *dwelling unit*, within the *use* requirements of 5-5-2 below, and as authorized in 5-5-3. Except as indicated in 5-5-2, this does not include the wholesale or retail sale of goods or materials on site. It is permitted:

- (1) in any non-rural and non-flood plain *zone*,

- (2) in A, AW and AA *zones* on any *lot* up to 2 acres in area, and
- (3) on any residential *lot* in an RE *zone*,
- which authorizes the *dwelling unit* to which the **HOME OCCUPATION** is *accessory*.

PERIMETER LOT. A *lot* in an R1Z zone that either adjoins or faces any other *lot* zoned R1, R1A, R1B, R1U, A, AA, AW or RE.

PRIMARY USE BUILDING. A *building* (including any other *building* attached in a substantial way, such as by a roof), in which the *primary use* of the *lot* or *parcel* is conducted. For *single-family* and *two-family* residential *uses*, it is the main *dwelling* or *dwellings*. For multi-family residential *uses* it is all *dwelling units*. Only one **PRIMARY USE BUILDING** is permitted per *lot* or *parcel*. If multiple *buildings* on a *lot* or *parcel* are engaged in the same *primary use*, the *building* housing that *use's* operating or managing office is considered the **PRIMARY USE BUILDING**; all others are considered *accessory buildings*. Where multiple *primary use buildings* occupy the same *lot* or *parcel*, but are all operated or managed from the same *building(s)*, the *building(s)* housing the managing office(s) shall be the **PRIMARY USE BUILDING(S)**, and all others shall be accessory to it (them), but only if these multiple *use buildings* are in single ownership. Also, an *integrated center* shall be considered a **PRIMARY USE BUILDING**. The **PRIMARY USE BUILDING** constructed on any qualifying *lot, parcel* or tract to which land has been added by Exemption B or E pursuant to the definition of *subdivision*, shall be located in whole or in part on the portion of that *lot, parcel* or tract from which it acquired its building site as defined in the *Unified Subdivision Ordinance*. No **PRIMARY USE BUILDING** shall be located wholly on land included in an Exemption B or E transfer unless that transfer was recorded prior to the date this definition was amended.

RURAL HOME OCCUPATION. An *accessory use* to a *dwelling unit*, carried out for gain by one or more residents, and if desired, one non-resident, conducted as a customary and incidental *use* to the resident’s *dwelling unit*, within the *use* requirements of 5-5-5 below, and as authorized in 5-5-6 below. Except as indicated in 5-5-5, this does not include the wholesale or retail sale of goods or materials on site. It is permitted on *lots* 2 acres or larger in area in any *rural zone*, other than RE, which authorizes the *dwelling unit* to which the **RURAL HOME OCCUPATION** is *accessory*.

RURAL ZONE. An A, AA, AW or RE *zone*.

ZONAL BASE RATE. The area of *signage* which is multiplied by various factors to determine the maximum sign area per *sign-lot*. The **ZONAL BASE RATE** is:

(1) 6 sq. ft. in R1, R1A, R1B, R1U, R1Z, R2, R2U and RE *zones*; . . .

Section 5: Change **1-10-2**, WORDS AND TERMS DEFINED, of **1-10**, DEFINITIONS, of **CHAPTER 1**, GENERAL PROVISIONS, by replacing *principal use building* with *primary use building* all three times it appears in the definition of “subdivision.”

Section 6: Add **2-28** RURAL ESTATE ZONES, at the end of **CHAPTER 2**, ZONE REGULATIONS, to read:

2-28 RURAL ESTATE ZONES			RE
RE			
2-28-1	INTENT:	To provide limited and appropriate areas in rural Tippecanoe County beyond the reach of sanitary sewers, for very low <i>density single-family dwellings</i> . RE <i>zones</i> shall only be located where their presence would jeopardize neither the continued use of productive farmland, nor the way of life associated with farming. The cumulative impact of multiple RE <i>zones</i> shall be taken into account in determining whether such a <i>zone</i> would be appropriate where proposed.	
2-28-2	PERMITTED USES AND STRUCTURES:	<i>Primary uses</i> : see 3-2 <i>Accessory uses</i> : see 4-1	
2-28-3	USES AND STRUCTURES ALLOWED BY SPECIAL EXCEPTION:	<i>Primary uses</i> : see 3-2	
2-28-4	MINIMUM LOT AREA, RURAL ESTATE SUBDIVISION	as determined by the Tippecanoe County Health Department – as per County Health Department <i>Ordinance No. 99-30-CM</i> or its successors – on a lot-by-lot basis, but in no case less than 30,000 sq. ft. of RE-zoned land within at least 1 acre, exclusive of any outlot containing drainage <i>easements</i> and/or <i>rural estate roads</i> , and exclusive of any <i>public street right-of-way</i> . Regardless of <i>lot area</i> , maximum <i>density</i> within a <i>rural estate subdivision</i> shall be no less than 2 acres per <i>dwelling unit</i> See 4-3 for additional information	

2-28-5	MINIMUM LOT WIDTH:	100', or 45' when at least 75% of a <i>lot</i> fronts on the circular turn-around portion of a <i>rural estate road</i> cul-de-sac, measured along the line separating the <i>lot</i> from the adjoining outlot containing private <i>road</i> and drainage swale, or from the edge of the public <i>right-of way</i> , or 20' at the 'pole' dimension and 100' at the flag dimension of a <i>flag lot</i>
2-28-6	LOT COVERAGE:	Maximum coverage by all buildings - 10% Minimum vegetative cover - 80%
2-28-7	MINIMUM FRONT, REAR OR SIDE SETBACK ALONG ROAD FRONTAGE:	25' from the edge of any <i>rural estate road</i> , measured along the line separating the <i>lot</i> from the adjoining outlot containing private <i>road</i> and drainage swale, or from the edge of the public <i>right-of-way</i> . From the edge of a <i>public street</i> that is not a <i>rural estate road</i> : Along a <i>local road or place</i> - 25' Along a <i>collector road</i> - 30' Along a <i>secondary arterial</i> - 40' Along a <i>primary arterial</i> - 60' See 4-4-2 through 4-4-6 for exceptions
2-28-8	MINIMUM REAR SETBACK NOT ALONG AN INTERNAL ROAD:	<i>Primary use or accessory building</i> - 25' See 4-4 for additional information
2-28-9	MINIMUM SIDE SETBACK NOT ALONG AN INTERNAL ROAD:	6' See 4-4 for additional information
2-28-10	MAXIMUM BUILDING HEIGHT:	35' See 4-5 for exceptions
2-28-11	MINIMUM OFF-ROAD PARKING REQUIREMENTS:	2 spaces per <i>dwelling unit</i>
2-28-12	ON PREMISE SIGNS:	See 4-8
2-28-13	BUFFERING REQUIREMENTS:	See 4-9

2-28-14 ADDITIONAL REQUIREMENTS:

- To ensure limited and appropriate levels of residential *development* in some rural areas in unincorporated Tippecanoe County, without jeopardizing productive farmland and the way of life associated with farming, the following parameters shall be incorporated into any submission seeking rezoning to RE for purposes of developing a *rural estate subdivision*:
- (a) Proposed RE-zoned sites, or FP-zoned portions of *rural estate subdivisions* shall be located no closer than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if impeded physically, by a stream or ravine or similar barrier.
 - (b) Petitioner shall demonstrate that more than 50% of the acreage in the *rural estate subdivision* request is either:
 - (1) wooded and untilled,
 - (2) *non-tillable*, or
 - (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001, or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%, part of which may be zoned FP. Petitioner shall supply evidence of this percentage in the form of current and past aerial photography available from the Soil and Water Conservation District.
 - (c) 12 single-family residential *lots* shall be the maximum proposed for any *rural estate subdivision*.
 - (d) *Lots* created through RE zoning and simultaneous *rural estate subdivision*, shall be a minimum of 1 acre of either RE-zoned land, or 1 acre of RE- and FP-zoned land of which at least 30,000 sq. ft. is zoned RE, exclusive of any outlot containing drainage *easements* and/or *rural estate roads*, and exclusive of any *public street right-of-way*, within a maximum *zone density* of no more than 1 *dwelling unit* per 2 acres within the *rural estate subdivision*.
 - (e) Each *lot* shall be accessed only from a *rural estate road* within the proposed RE-zoned site. Petitioner shall demonstrate that any *rural estate road* would be sited to minimize damage to existing trees and topography.
 - (f) A *rural estate road* shall be built to the specific standards found in the *Unified Subdivision Ordinance* and below in 2-28-14-g and 2-28-14-h.
 - (g) If it is to be held privately by a homeowners' association, the *rural estate road* shall:
 - (1) have a minimum 20' pavement width, within a minimum 52'-wide outlot;
 - (2) have either two 4' or wider grassed shoulders or curb and gutter alongside the pavement;
 - (3) if shoulders, have side ditches with a maximum 3:1 slope;

- (4) when required by the County Drainage Board, have additional easements platted beyond the edge of the outlot; and
- (5) should it be a *cul-de-sac*, end in a turnaround. If looped, this turnaround shall have a minimum 20' pavement width, surrounded by a 4' or wider grassed shoulder and side ditches or curb and gutter; if no curb and gutter, have side ditches with a maximum 3:1 slope, all situated in an outlot having a minimum 80' diameter. Should the *rural estate road* end in a hammerhead, each side shall conform to 2-28-14-g-1 through 2-28-14-g-4 above.

All cross section design standards shall be certified by developer's Registered Land Surveyor or Professional Engineer as complying with private *rural estate road* standards. A private *rural estate road* may, on a case-by-case basis, be dedicated and may be accepted for public maintenance at any time if it has been built or subsequently rebuilt to County Highway Department standards current at the time of the request.

- (h) If it is to be a *public street* dedicated and accepted for public maintenance, the *rural estate road* shall:
 - (1) conform to all *subdivision* road standards as per the *Unified Subdivision Ordinance*; or
 - (2) conform to the following public *rural estate road* standards:
 - (A) a rural cross-section in a dedicated 52' minimum *right-of-way*, with 20' of pavement, 4' grassed shoulders, and a drainage easement configured with 3:1 maximum side slopes with a 2' minimum ditch depth; and
 - (B) an appropriate rural cross-section *cul-de-sac*, subject to County Highway Department standards.
- (i) Water supply shall be by individual well or a central water supply.
- (j) Sanitary effluent shall be handled either by individual or clustered sewage disposal system, approved by the County Health Department through the *rural estate subdivision* process.
- (k) The County Drainage Board shall enforce all aspects of drainage, including side ditches if situated within a privately held outlot. However, the County Highway Department shall enforce side ditches in dedicated *right-of-way*.
- (l) A homeowners' association shall be created and appropriate documents recorded at the time of final plat recording. The association shall be responsible for maintaining any outlot, private *rural estate road*, common area, and improvement for common usage, and for implementing any approved stormwater management, landscape and erosion control plans. Deeds transferring outlots and common areas to the homeowners' association shall be recorded at the time of final *plat* recording.

2-28-15 SUBDIVISION OF PROPOSED RE-ZONED SITES:

- (a) All requests for RE zoning shall be accompanied or preceded by a complete application for *rural estate subdivision* sketch plan review. The sketch plan shall consist only of land proposed to be rezoned RE, or land proposed to be rezoned RE plus land already zoned FP.
- (b) To help determine the appropriateness of the rezoning request, this sketch plan, pursuant to the requirements of the *Unified Subdivision Ordinance*, shall be completed and revised as necessary no less than 12 days before the public hearing on the rezoning request.

Section 7: Change **3-2, PERMITTED USE TABLE, of CHAPTER 3, PERMITTED USE TABLE,** by adding an additional column – RE – in the Rural Zones section, and by permitting the following uses in the RE zone, either as of right or by special exception, as indicated by “P” or “S” to read as follows:

Parking Groups	Special Conditions	SIC Group	PERMITTED PRIMARY USES	Rural Zones RE
3-2-1 RESIDENTIAL USES:				
1	4-11-1 (Am. 6,15)	----	“Single-family dwelling” ³² (Amend 8)	P
1	4-11-1 (Am. 15)	----	“Manufactured home”	P
3-2-2 AGRICULTURE, FORESTRY AND FISHING:				
4	2-26 if FP	01	Agricultural production – crops	P
4	2-26 if FP	08	Forestry ²	P
3-2-6 TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS AND SANITARY SERVICES:				
6	2-26 if FP	46	Pipelines, except natural gas	P
8 / c	2-26 if FP	4813	Local telephone communications ¹⁹ (Am 3)	P
6	2-26 if FP	4911	Electrical power transmission ¹⁹	P
6	2-26 if FP	4922	Natural gas transmission ¹⁹	P
6	2-26 if FP	4941	Water supply systems ¹⁹	P
16	2-26 if FP, 4-11-8	----	“Recycling collection facilities”	P
3-2-10 SERVICES:				
22	4-11-6	7011	“Bed and breakfasts”	S
38 / c		7997	Swimming clubs	S
38 / c		7997	Tennis clubs	S
47		835	“Child care homes” ⁴⁶	P
1		----	“Group homes”	S
50 / c	2-26 if FP	842	Arboreta and botanical or zoological gardens ⁴⁷	S
3-2-11 PUBLIC ADMINISTRATION:⁴⁹				
8 / c		91	Executive, legislative and general	

			government, except finance ⁵⁰	P
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Section 8: Change **4-2-1**, SUMMARY OF STANDARD AREA, WIDTH, COVERAGE, AND HEIGHT REQUIREMENTS, of **4-2**, STANDARD DIMENSION REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, by adding a new line for the RE zone, by modifying Footnote 2, and by adding Footnotes 11 and 12 to read as follows:

10) MAXIMUM ZONE	MINIMUM LOT AREA ¹ (sq. ft) PER USE PER D.U. ²		MINIMUM LOT WIDTH ¹ (ft.)	MAXIMUM LOT COVERAGE BY ALL BUILDINGS (pct.)	MINI- MUM VEGE- TATIVE COVER (pct.)	(Amend BLDG. HEIGHT (ft.)
RE	11	2 acres	100 ¹²	10	80	35 ⁹
FOOTNOTES TO 4-2-1: 2 Applies only to <i>two-family</i> and <i>multi-family dwellings</i> in <i>zones</i> which permit them. Also applies to minimum <i>density</i> – area per <i>dwelling unit</i> – in a <i>rural estate subdivision</i> . 11 As determined by the Tippecanoe County Health Department – as per its <i>Ordinance No. 99-30CM</i> or its successors – on a lot-by-lot basis, but in no case less than 1 acre, at least 30,000 sq. ft. of which is zoned RE, exclusive of any outlot containing drainage <i>easements</i> and/or <i>rural estate roads</i> , and exclusive of any <i>public street right-of-way</i> . Footnote 1 above does not apply. 12 See 2-28-5 for <i>lots</i> fronting on a cul-de-sac, and for <i>flag lots</i> .						

Section 9: Change **4-2-2**, SUMMARY OF STANDARD SETBACK REQUIREMENTS, of **4-2**, STANDARD DIMENSION REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, by adding a new line for the RE zone, and by adding Footnotes 10 to read as follows:

	ALONG STREET FRONTAGE					NOT ALONG STREET FRONTAGE			
	(Amends 16, 16a) MINIMUM SETBACK ¹ FOR PRIM. USE BLDG, ACC. USE/STR/BLDG					MINIMUM REAR SETBACK	MINIMUM SIDE SETBACK		
ZONE	LO	CO	SE	PR	PrmUB	AccUSB ²	PrmUB	AccUSB	
RE ¹⁰	25		30	40	60	25	25	6	6
FOOTNOTES TO 4-2-2: 10 25', measured as per 2-28-7 above.									

Section 10: Change subsection (c) of **4-4-6**, SETBACKS FOR PARKING, of **4-4**, SETBACKS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (c) Required parking is permitted in the *front setback* in any *residential* or RE *zone* when it is used as a drop-off for a *child care home* on that same *lot*.

Section 11: Change the first sentence of subsection (a) of **4-4-8**, SETBACKS FOR OPEN USES, of **4-4**, SETBACKS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (a) The minimum *setback* for any *open use*, other than those listed in 4-4-8-a-1 below, is 5' from the *front lot line*, plus 5' from any *side* or *rear lot line* abutting a *street* or a *residential* or RE *zone*.

Section 12: Change the first sentence of subsection (a) of **4-6-15**, AUTO PARKING SPACE AND PARKING AREA DESIGN STANDARDS, of **4-6**, PARKING AND LOADING REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (a) All auto *parking spaces*, *maneuvering spaces* and *maneuvering aisles* shall be paved, except in A, AA, AW, FP and RE *zones* and on *farms* in any *zone*, where paving is optional.

Section 13: Change the column headings of **4-8-4**, PERMITTED SIGNS BY TYPE AND ZONE, of **4-8**, SIGNS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

SIGN TYPE	R1s	ALL	INSTL:								I1	(Amend 7)
	R2s	R3s	RSDTL/	(Amend 20)							I2	A, AA
	RE	R4W	RURAL	NB	NBU	OR	MR	GB	HB	CB	CBW	I3

Section 14: Change the first box under the column heading ZONAL BASE RATE of **4-8-5**, MAXIMUM SIGN AREA PER SIGN-LOT, BY ZONE, of **4-8**, SIGNS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

ZONAL BASE RATE PERMITTED <i>FREE-</i> sq. ft. X AREA USED ³	ROAD SPEED LIMIT ¹ FACTOR X	BUILDING SETBACK ² FACTOR X	PERCENT OF STANDING SIGN
R1 R1A R1B R1U R1Z R2 R2U 6 RE			(Amend 20)

Section 15: Change the column headings of **4-8-6**, NUMBER PER SIGN-LOT, AREA, HEIGHT AND SETBACK OF INDIVIDUAL FREESTANDING SIGNS, BY ZONE, of **4-8**, SIGNS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

<i>FREESTANDING SIGN</i> CHARACTERISTIC	R1s ALL R2s R3s RE R4W	INSTL: RSDNTL/ RURAL	NBU NB MR OR GB HB CB	(Amend 20)	I1 I2 I3	A, AA AW, FP
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Section 16: Change the column headings of **4-8-8**, PERMITTED SIGN CHARACTERISTICS BY ZONE, of **4-8**, SIGNS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

SIGN CHARACTERISTIC	ALL <i>RESIDENTIAL</i> ZONES, RE	INSTL: RSDNTL/ RURAL	NB NBU OR MR	GB HB	CB CBW	I1 I2 I3	A, AA AW, FP
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Section 17: Change the first box under the column heading ZONE UNDERGOING NEW DEVELOPMENT OR REDEVELOPMENT, of **4-9-3-a**, TYPE OF BUFFERYARD REQUIRED ALONG A LOT LINE SEPARATING A ZONE UNDERGOING DEVELOPMENT OR REDEVELOPMENT AND AN ABUTTING ZONE, of **4-9**, BUFFERYARDS AND OTHER BUFFERING REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

	ZONE ABUTTING NEW DEVELOPMENT OR REDEVELOPMENT							
ZONE UNDERGOING NEW DEVELOPMENT OR REDEVELOPMENT	R1 R1A R1B R1U R1Z R2 R2U R3 R3W RE R4W PDRS MR NBU		OR	NB GB HB	I1 I2	I3		A AA AW FP
R1 R1A R1B R1Z R2 R3 R3W R4W RE								

Section 18: Change subsection (b) of **4-10-4**, GLARE AND HEAT, of **4-10**, INDUSTRIAL PERFORMANCE STANDARDS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (b) In I1, I2 and I3 *zones*, any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 *footcandles* when measured in any *residential* or RE *zone*.

Section 19: Change subsections (e)(2) and (f) of **4-11-6**, BED AND BREAKFASTS, of **4-11**, MISCELLANEOUS RESTRICTIONS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (e) To ensure compatibility with neighboring uses:
 (2) guest parking for *bed and breakfasts* located in *residential* and RE *zones* shall be screened from adjacent properties by a 5 ft. high wood or masonry fence, or by sight-obscuring vegetation; and
- (f) To prevent disruption of residential neighborhoods through the proliferation of nonresidential *uses*, a *bed and breakfast* in a *residential* or RE *zone* shall not be located on a *lot* that is closer than 200' from any other *lot* containing a *bed and breakfast*.

Section 20: Change the first sentence of subsection (a) of **5-2-1**, SUBDIVISIONS, of **5-2**, SUBDIVISIONS, PLANNED DEVELOPMENTS AND CONDOMINIUMS, of **CHAPTER 5**, SUPPLEMENTARY REGULATIONS. to read:

- (a) The *subdivision* of land in accord with the requirements of the adopted *Unified Subdivision Ordinance* is permitted in these *zones*: R1, R1A, R1B, R1U, R1Z, R2, R2U, R3, R3U, R3W, R4W, NB, NBU, OR, MR, GB, HB, CB, CBW, I1, I2, I3, A, AA, AW, FP and RE.

Section 21: Add a subsection (c) to **5-2-1**, SUBDIVISIONS, of **5-2**, SUBDIVISIONS, PLANNED DEVELOPMENTS AND CONDOMINIUMS, of **CHAPTER 5**, SUPPLEMENTARY REGULATIONS. to read:

- (c) The only kind of *subdivision* permitted in an RE *zone*, is a *rural estate subdivision*, formulated and approved within the requirements of the adopted *Unified Subdivision Ordinance*.

Section 22: Change the second sentence of subsection (b) of **5-5-1**, INTENT, of **5-5**, HOME OCCUPATIONS AND RURAL HOME OCCUPATIONS, of **CHAPTER 5**, SUPPLEMENTARY REGULATIONS. to read:

- (b) Thus *home occupations* conforming to the requirements of 5-5-2 through 5-5-4 below, are permitted in any non-rural *zone* which authorizes the *dwelling unit* to which the *home occupation* is accessory, in A, AA and AW *zones* on *lots* up to 2 acres in area, and on all residential *lots* in RE *zones*; *rural home occupations* conforming to the requirements of 5-5-5 through 5-5-7 below, are permitted as an *accessory use* on rural-zoned *lots*, other than those zoned RE, larger than 2 acres in area.

Section 23: Change the first sentence of **5-5-5**, of **5-5**, HOME OCCUPATIONS AND RURAL HOME OCCUPATIONS, of **CHAPTER 5**, SUPPLEMENTARY REGULATIONS. to read:

Rural home occupations are permitted in any *dwelling unit* or any *accessory building* to a *dwelling unit* which is normally associated with a residential or agricultural *use*, and which is located on a lot 2 acres or larger in area and in a *rural zone* other than RE.

Section 24: Change the first sentence of subsection (b) of **6-4-5**, VARIANCES, of **6-4**, BOARDS OF ZONING APPEALS, of **CHAPTER 6**, ADMINISTRATION, to read:

- (b) The *ABZA* or *ABZA-LD* may grant a *variance* from the *Zone Regulations* and *Additional Use Restrictions* in Chapters 2 and 4 above (except subsections 2-9-4 and 2-10-4, the R3U and R3W *density* caps; 2-10-11 and 2-11-11, the R3W and R4W maximum *building height*; 2-26, *Flood Plain Zones*; 2-27 *Planned Development Zones* and 2-28-14, *Rural Estate Zones, Additional Requirements*) if, after a public hearing, it makes findings of facts in writing, that:

Section 25: Change subsection A. of **APPENDIX D-2**, CALCULATING MAXIMUM SIGN AREA OF A SIGN-LOT, to read:

A. The ZONAL BASE RATE is:

FRONTAGE 2

R1, R1A, R1B, R1U, R1Z, R2, R2U, RE	= 6 sq.ft.
R3, R3W, R3U, R4W	= 20 sq.ft.
INSTL: RES./RURAL (Amend 5)	= 20 sq.ft.
NBU, MR	= 30 sq.ft.
NB, OR, GB, HB, CB, CBW, I1, I2, I3	= 40 sq.ft.
A, AW, AA, FP	= 10 sq.ft.

FRONTAGE 1

If you have

A.

A.

Section 26: This ordinance shall be in full force and effect from and after its passage.

Adopted and Passed by the Board Of Commissioners of Tippecanoe County, Indiana, this 1st day of July, 2002.

VOTE:

Yes

John L. Knochel, President

Yes

KD Benson, Vice President

Yes

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor